

Richmond Times-Dispatch

Published: October 05, 2010

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Viguerie and Bozell: Support Is Waning for Death Penalty

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WASHINGTON We lifelong conservatives and Tea Party supporters recently urged the death sentence for Teresa Lewis in Virginia be commuted to life in prison without parole instead.

We are among a growing number of conservatives who have questions and reservations about the death penalty, believe it is no longer a necessary form of punishment based on either Lockean or biblical principles, or oppose it outright.

Around the country death sentences are dropping, and support for the death penalty is waning. This trend is not limited to bleeding-heart liberals and criminal coddlers.

We urge our fellow conservatives to at least consider some issues when contemplating the death penalty.

The Old Testament required the death penalty for certain sins and a litany of offenses. In John 8 of the New Testament, the Pharisees confronted Jesus about a woman ready to be stoned for adultery. Jesus, sensing a trap they laid on a conflict between the Old Testament and Roman law, said: Let him who is without sin cast the first stone.

We believe John 8 of the New Testament shows that Jesus did not consider the death penalty mandatory punishment for sins, and certainly not unless the process complied with God's law. Deuteronomy 17:6 requires more than one witness to convict.

We also believe conservative Lockean principles do not compel the death penalty.

John Locke's Second Treatise on Government offers a justification of the State's taking the life of someone who is guilty of a heinous crime. Locke, on whose principles conservatism is built, believed the death penalty was a justifiable punishment for two reasons: protecting society (self-preservation) and deterrence.

Locke described the social compact of society as much like the notion: Do unto others as you'd have done to you. Some people commit acts so despicable they no longer merit the protections of that social compact. They

may be so dangerous that they are a threat to us.

Therefore, like we may kill a wild animal that threatens us, the death penalty was an acceptable form of punishment even under Locke's view of limited government power.

We now, however, have maximum security prisons that were incapable of being built in Locke's time. Society may protect itself without putting a human to death as it would a wild animal. Since we believe each person has a soul, and is capable of achieving salvation, life in prison is now an alternative to the death penalty.

Under Locke's other reason, deterrence, punishment should be severe enough to discourage criminal acts. We certainly agree. However, some data show the death penalty does not act as deterrence.

In fact, the data seem to indicate murder and other heinous crimes may be lower in jurisdictions that do not have the death penalty. That's not proof, of course, but we believe death penalty proponents bear the burden of proof that the ultimate punishment is in fact a deterrence.

From our conservative perspective, there are other reasons we oppose the death penalty. It is an expensive government program with the power to kill people. Conservatives don't trust the government is always capable, competent, or fair with far lighter tasks.

When it comes to life and death, mistakes are made, or perhaps worse, bad decisions are made. States have wrongly convicted people based on false confessions and inaccurate eyewitness identification. In some of these cases, the real perpetrator was identified decades after the crime occurred. Since DNA evidence is not available in the majority of murder cases, other wrongful convictions based on similar types of evidence may never come to light.

We know our opinion is not held by all conservatives. Surely, however, there are many questions about the death penalty's accuracy, fairness, and financial efficiency that should be addressed.

We urge those who ascribe to the Old Testament to consider whether the Virginia death penalty system reflects God's law. We also ask Christians to contemplate the meaning of John 8.

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